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Former CIA deputy disputes statement in CBS documentary

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NEW YORK - Seventeen years ago, in Saigon, George A. Carver Jr. fired off a cable alerting Central Intelligence Agency headquarters of the "inescapable conclusion" that Gen. William C. Westmoreland had put an arbitrary ceiling on the estimate of enemy troops.

Now, in a Manhattan courtroom, lawyers for CBS, Inc. are trying to rekindle the accusatory spark of such words. But Carver prefers to shrug them off as "purple prose" uttered in the heat of the moment.

Like a dozen other witnesses so far, Carver has rallied behind Westmoreland in his \$120 million libel suit against CBS. But some of Carver's past remarks are working against the 70-year-old general, who claims the network libeled him by charging he deliberately downplayed enemy troop strength to make the war appear winnable.

A central charge by CBS - in a 1982 broadcast now the focus of the legal attack - is that Westmoreland ordered his officers to keep a ceiling of 300,000 on enemy troop estimates prior to the 1968 Tet offensive.

The year was 1967, and for many months, the CIA had been arguing for an estimate of about 500,000 enemy troops. But the military assistance command in Vietnam (MACV) considered a figure about half that size to be correct.

In September, Carver led a CIA delegation to Saigon to settle the simmering debate, which had delayed a new estimate of enemy strength intended for President Lyndon B. Johnson. Two days after his arrival in Saigon, Carver cabled CIA director Richard Helms:

"So far, our mission frustratingly unproductive since MACV stonewalling, obviously under orders. . . . Variety of circumstantial

indicators . . . all point to inescapable conclusion that Westmoreland . . . has given instructions tantamount to direct order that [enemy] strength total will not exceed 300,000 ceiling. Rationale seems to be that any higher figure would not be sufficiently optimistic and would generate unacceptable level of criticism from the press."

Under questioning by Westmoreland's lawyer, Dan M. Burt, Carver said the cable reflected anger he felt towards the MACV negotiators "because they weren't doing things my way."

"They were so obtuse and difficult to deal with," he said, "that I drew the inference they were operating under some order."

Carver, under cross-examination by Burt, conceded one of the largest disputes centered on a category known as the self-defense militia. MACV wanted these troops deleted from all future estimates, arguing that they had little offensive military ability and were too elusive to count. But they planted mines and booby traps which killed American soldiers, the CIA argued, and were an intrinsic part of the communist guerrilla war.

Two days later, on Sept. 12, 1967, Carver cabled Helms to say negotiations were "at an impasse." Westmoreland's deputy for pacification, Robert Komer, had "launched into an hour-plus monologue," Carver explained, "reviewing his and Westmoreland's problems with the press . . . and the paramount importance of saying nothing that would detract from the image of progress."

According to the cable, MACV made a "final offer, not subject to discussion" with a range of 219,000 to 249,000 enemy troops and a separate listing of 75,000 to 85,000 for political cadres - the Viet Cong's "shadow" government.

The next day Carver, who was the CIA's deputy director for Vietnamese affairs from 1966 to 1973,

sat down privately with Westmoreland. Within hours after that meeting an agreement was reached. Carver then cabled Helms: "Circle now squared, chiefly as a result of Westmoreland session. . . . We now have agreed set of figures Westmoreland endorses."

The CBS broadcast, "The Uncounted Enemy: A Vietnam Deception," said those figures represented a virtual surrender by the CIA to Westmoreland. It quoted Carver's deputy, George Allen, as saying: "It was strictly a political judgment, a political decision, to drop CIA's opposition and to go along with the modified set of figures."

The agreement called for a range of "at least" 223,000 to 248,000 enemy and 75,000 to 85,000 political cadres. Self-defense forces were dropped from the tally. They continued to be included, however, in the body counts.

The CIA had gone into the Saigon conference favoring a range of 311,000 to 371,000 regular troops and 120,000 self-defense troops.

CBS lawyer David Boies quizzed Carver about why the CIA agreed to an estimate "so similar" to the "take-it-or-leave-it offer" from MACV.

"I heard arguments, analysis and evidence that I hadn't heard before," said the 54-year-old Carver, who was scheduled to begin his fifth day of testimony today in Federal Court.

Sitting halfway across the courtroom from Carver was one of his former CIA analysts, Samuel A. Adams, who has been arguing the numbers-deception theory for a decade.

Most recently Adams served as a paid consultant for the CBS broadcast. He is now a defendant in the libel suit, as are CBS producer George Crile and reporter Mike Wallace.